

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4658 of 2006

Date of decision: 24.09.2007

Kewal Ram and others Petitioners
Versus

Haryana Financial Corporation and others Respondents

Coram: Hon'ble Mr. Justice M.M.Kumar
Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. D.K.Jangra, Advocate,
for the petitioners.
Mr. Kamal Sehgal, Advocate,
for respondents No. 1 and 2.

M.M.Kumar, J.

There is a serious dispute on the question of facts. The petitioners have asserted that the nature of the land is ancestral and, therefore, they are co-parceners with their father Bhagat Ram i.e. respondent No. 3. These averments have been made in paras 2 and 7 of the writ petition. However, respondents No. 1 and 2 in their written statement have categorically denied the aforementioned averments asserting that Bhagat Ram is exclusive owner in possession of the land and the petitioners have no concern with the land.

These are question of facts, which may be more suitably determined by a Civil Court after appreciating the evidence which may be led by the parties.

In view of the above, learned counsel for the petitioners requests for withdrawal of the writ petition with liberty to file a civil suit in accordance with law.

Ordered accordingly.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 24, 2007
pj

